



Forty-six years ago, the Puerto Rican Legal Defense and Education Fund, known now as LatinoJustice PRLDEF, was born to address systemic discrimination, neglect and abuse of Puerto Ricans by government and private sector actors. The organization's civil rights legacy was built upon the collective outrage that our community experienced as it was robbed of its political voice and social and economic capital. Today that outrage is manifested anew in response to the on-going economic crisis that Puerto Rico has been experiencing for the past several years and in the political crisis that it has faced for 120 years as a territorial possession of the United States.

As a human and civil rights organization dedicated to defending the rights of all Latinos, including Puerto Ricans, to lead a life of dignity, respect and meaning, LatinoJustice PRLDEF believes that Puerto Rico must be able to enjoy self-determination and participate in a true decolonization process immediately. Ours is an organization that depends upon, and leverages, the promise of the law every day. But in the case of Puerto Rico, tyrannical domestic laws have created and perpetuated a colony of the United States. The U.S. Constitution's Territorial Clause, the Supreme Court's selective application of constitutional protections to U.S. territories, and the unending discrimination practiced repeatedly by Congress all harken to St. Francis' admonition that an unjust law is no law at all.

The legal path towards decolonization is self-determination. That principle is deeply grounded in international human rights law and is universally accepted as a right belonging to peoples and nations. The right of a people to self-determination is a cardinal principle in modern international law, commonly regarded as a *jus cogens* rule, meaning that it is binding on all nations and members of the United Nations, including the United States. The norm of self-determination states that a people, based on respect for the principle of equal rights and fair equality of opportunity, have the right to freely choose their sovereignty and international political status

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with no interference. This principle was codified in the Declaration on the Granting of Independence to Colonial Countries and Peoples,¹ which states, among other things, that “an end must be put to colonialism and all practices of segregation and discrimination associated therewith.”

The current economic crisis in Puerto Rico, coupled with the humanitarian crisis caused by Hurricanes Irma and María in 2017, have laid bare the island’s colonial condition, including exposing profound structural inequalities that continue to deepen with government repression and violations of fundamental human rights. The decision by the U.S. Supreme Court in *Puerto Rico v. Sanchez Valle*

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made clear that Puerto Rico as a territorial possession of the United States has no separate source of sovereignty, and that the “ultimate’ source of [] power remains the U.S. Congress.” A few weeks later Congress promulgated the federal statute known as PROMESA,

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which, among other rights curtailed, imposed a federal fiscal control board, violating the civil and political rights of millions of Puerto Ricans, in addition to exacerbating serious economic and social rights violations in a cruel austerity regime. A recent report by the U.N. Special Rapporteur on extreme poverty and human rights, Philip Alston, noted from his official country visit to the United States, which included Puerto Rico, that “[i]n the light of recent Supreme Court jurisprudence and Congress’s adoption of the Puerto Rico Oversight, Management, and Economic Stability Act there seems to be good reason for the Special Political and Decolonization Committee of the United Nations to conclude that the island is no longer a self-governing territory.”

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The Special Committee itself has issued thirty-six resolutions since 1972 calling for the decolonization of Puerto Rico, which the United States has ignored. In 2017, the Committee specifically called again upon the United States to “assume its responsibility to expedite a process that will allow the Puerto Rican people fully to exercise their inalienable right to self-determination and independence . . . and to take decisions, in a sovereign manner, to address their urgent economic and social needs, including unemployment, marginalization, insolvency and poverty, and issues related to education and health.”

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As an institution based on the principles of law and equality, LatinoJustice PRLDEF supports the free and independent exercise of fundamental human rights by all Puerto Ricans, and calls for a true decolonization of Puerto Rico. Sovereignty must be a pre-condition of any future decision led by the Puerto Rican people that will inform the relationship they will choose to have with the United States in accordance with U.N. Res. 1541,⁶ including emergence as an independent state or as a free association between sovereign states.

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- 1 UN General Assembly, Declaration on the Granting of Independence to Colonial Countries and Peoples, 14 December 1960, A/RES/1514(XV).
 - 2 Puerto Rico v. Sanchez Valle, 136 S. Ct. 1863 (2016).
 - 3 Puerto Rico Oversight, Management, and Economic Stability Act, P.L. 114-187 (2016).
 - 4 Report of the Special Rapporteur on extreme poverty and human rights on his mission to the United States of America, A/HRC/38/33/Add.1, para. 24 (May 4, 2018).
 - 5 Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, Decision of the Special Committee concerning Puerto Rico, A/AC.109/2017/L.12, para. 3 (June 16, 2017).
 - 6 UN General Assembly, Principles which should guide members in determining whether or not an obligation exists to transmit the information called for under Article 73e of the Charter, A/RES/1541(XV) (15 dec 1960).

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